

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GERARD DIFFLEY,

Plaintiff,

-against-

BOSTWICK LABORATORIES, INC.,  
METALMARK CAPITAL, LLC & DAVID  
BOSTWICK,

Defendants.

Case No.: 17-CV-01410(ALC)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Dr. David Bostwick's Motion to Dismiss Plaintiff's Complaint, Defendant Dr. David Bostwick ("Defendant"), through his undersigned attorneys, will move this Court before the Honorable Andrew L. Carter, Jr., at the United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, on a date and at a time to be designated by the Court, for an Order: (1) dismissing Plaintiff's Complaint in its entirety with prejudice; (2) awarding Defendant the costs incurred in filing and pursuing the instant motion; and (3) awarding Defendant such other and further relief as the Court deems just and proper.

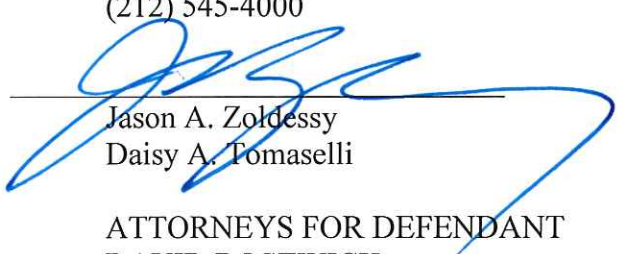
PLEASE TAKE FURTHER NOTICE that answering and reply papers, if any, shall be served in accordance with the Federal Rules of Civil Procedure, the Local and Individual Rules of the Court and the Court's June 30, 2017 Order.

Respectfully submitted,

JACKSON LEWIS P.C.  
666 Third Avenue  
New York, New York 10017  
(212) 545-4000

Dated: July 21, 2017  
New York, New York

By: \_\_\_\_\_

  
Jason A. Zoldessy  
Daisy A. Tomaselli

ATTORNEYS FOR DEFENDANT  
DAVID BOSTWICK